

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

EDWARD BROWN

PLAINTIFF

v.

CIVIL ACTION NO. 5:16-CV-124-KS-MTP

WILKINSON COUNTY SHERIFF'S  
DEPARTMENT, *et al.*

DEFENDANTS

ORDER

Plaintiff named Greg Chambers, Kendrick Davis, and Darrius Kilburn as Defendants in this case and served them with process. None of these Defendants has appeared or answered Plaintiffs' allegations, but Plaintiffs have not sought an entry of default. Therefore, on May 3, 2017, the Court ordered Plaintiffs to show cause why their claims against Defendants Greg Chambers, Kendrick Davis, and Darrius Kilburn should not be dismissed without prejudice for failure to prosecute. On May 11, 2016, Plaintiffs responded to the Court's order. Rather than show cause as to why their claims against Defendants Chambers, Davis, and Kilburn should not be dismissed, Plaintiffs stated that they had no objection to the dismissal without prejudice of those claims.

Therefore, the Court **dismisses** Plaintiffs' claims against Defendants Greg Chambers, Kendrick Davis, and Darrius Kilburn **without prejudice** for failure to prosecute. *See Larson v. Scott*, 157 F.3d 1030, 1031-32 (5th Cir. 1998) ("A district court *sua sponte* may dismiss an action for failure to prosecute or to comply with any court order.").

SO ORDERED AND ADJUDGED this 16<sup>th</sup> day of May, 2017.

s/ Keith Starrett  
UNITED STATES DISTRICT JUDGE